



Indiana Pro Bono Commission
230 East Ohio Street, 4th Floor
Indianapolis, IN 46204

Indiana Bar Foundation
230 East Ohio Street, Suite 110
Indianapolis, IN 46204

COMBINED 2002 DISTRICT REPORT, 2004 PRO BONO GRANT APPLICATION, AND 2004 PLAN

Pro Bono District Four

Applicant: District Four Pro Bono Committee

Mailing Address: c/o Hon. David A. Ault, Judge, Montgomery Superior Court

100 East Main Street **City:** Crawfordsville, **IN** **Zip:** 47933

Phone: (765) 364-6447 **Fax:** (765) 364-6465

E-mail address: dault@wico.net **Web site address:** N/A

Judicial Appointee: Hon. David A. Ault, Judge, Montgomery Superior Court

Plan Administrator: Hon. David A. Ault, Judge, Montgomery Superior Court

Names of Counties served: Benton, Carroll, Clinton, Fountain, Montgomery
Tippecanoe, Warren and White

Amount of grant received for 2002: \$ 17,353.50

*** Amount of grant unused from 2002 and previous years:** \$28,177

*** Amount of grant unused but committed to expenses in 2003:** \$13,970

Amount of grant received for 2003: \$ 10,260

Amount requested for 2004: \$ 10,000

*** Please submit request for approval to the Indiana Bar Foundation.**

PRO BONO DISTRICT NUMBER FOUR LETTER OF REPRESENTATION

The following representations, made to the best of our knowledge and belief, are being provided to the Indiana Pro Bono Commission and Indiana Bar Foundation in anticipation of their review and evaluation of our funding request and our commitment and value to our Pro Bono District.

Operation under Rule 6.5

In submitting this application for funding, this district is representing itself as having a Pro Bono Plan, which is pursuant to Rule 6.5 of the Indiana Rules of Professional Conduct. The plan enables attorneys in our district to discharge their professional responsibilities to provide civil legal pro bono services; improves the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations in our district; and ensures access to high quality and timely pro bono civil legal services for persons of limited means by (1) fostering the development of new civil legal pro bono programs where needed and (2) supporting and improving the quality of existing civil legal pro bono programs. The plan also fosters the growth of a public service culture within our district which values civil legal pro bono publico service and promotes the ongoing development of financial and other resources for civil legal pro bono organizations.

We have adhered to Rule 6.5 (f) by having a district pro bono committee composed of:

- A. the judge designated by the Supreme Court to preside;
- B. to the extent feasible, one or more representatives from each voluntary bar association in the district, one representative from each pro bono and legal assistance provider in the district, and one representative from each law school in the district; and
- C. at least two (2) community-at-large representatives, one of whom shall be a present or past recipient of pro bono publico legal services.

We have determined the governance of our district pro bono committee as well as the terms of service of our members. Replacement and succession members are appointed by the judge designated by the Supreme Court.

Pursuant to Rule 6.5 (g) to ensure an active and effective district pro bono program, we:

- A. prepare in written form, on an annual basis, a district pro bono plan, including any county sub-plans if appropriate, after evaluating the needs of the district and making a determination of presently available pro bono services;
- B. select and employ a plan administrator to provide the necessary coordination and administrative support for the district pro bono committee;
- C. implement the district pro bono plan and monitor its results;
- D. submit an annual report to the Commission; and
- E. forward to the Pro Bono Commission for review and consideration any requests which were presented as formal proposals to be included in the district plan but

were rejected by the district committee, provided the group asks for review by the Pro Bono Commission.

Commitment to Pro Bono Program Excellence

We also understand that ultimately the measure of success for a civil legal services program, whether a staffed or volunteer attorney program, is the outcomes achieved for clients, and the relationship of these outcomes to clients' most critical legal needs. We agree to strive for the following hallmarks which are characteristics enhancing a pro bono program's ability to succeed in providing effective services addressing clients' critical needs.

1. Participation by the local bar associations. The associations believe the program is necessary and beneficial.

2. Centrality of client needs. The mission of the program is to provide high quality free civil legal services to low-income persons through volunteer attorneys. Client needs drive the program, balanced by the nature and quantity of resources available. The staff and volunteers are respectful of clients and sensitive to their needs.

3. Program priorities. The program engages in a priority-setting process, which determines what types of problems the program will address. Resources are allocated to matters of greatest impact on the client and are susceptible to civil legal resolution. The program calls on civil legal services and other programs serving low-income people to assist in this process.

4. Direct representation component. The core of the program is direct representation in which volunteer attorneys engage in advocacy on behalf of low-income persons. Adjunct programs such as advice clinics, pro se clinics and paralegal assistance are dictated by client needs and support the core program.

5. Coordination with state and local civil legal service programs and bar associations. The programs work cooperatively with the local funded civil legal services programs. The partnerships between the civil legal services programs and the local bar association results in a variety of benefits including sharing of expertise, coordination of services, and creative solutions to problems faced by the client community.

6. Accountability. The program has mechanisms for evaluating the quality of service it provides. It expects and obtains reporting from participating attorneys concerning the progress/outcome of referred cases. It has the capability to demonstrate compliance with requirements imposed by its funding source(s), and it has a grievance procedure for the internal resolution of disputes between attorneys and clients.

7. Continuity. The program has a form of governance, which ensures the program will survive changes in bar leadership, and has operational guidelines, which enable the program to survive a change in staff.

8. Cost-effectiveness. The program maximizes the level of high quality civil legal services it provides in relationship to the total amount of funding received.

9. Minimization of barriers. The program addresses in a deliberate manner linguistic, sensory, physical and cultural barriers to clients' ability to receive services from the program. The program does not create undue administrative barriers to client access.

10. Understanding of ethical considerations. The program operates in a way which is consistent with the Rules of Professional Conduct; client confidentiality is assured and conflicts of interest are avoided.

11. ABA Standards. The program is designed to be as consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as possible.

No events, shortages or irregularities have occurred and no facts have been discovered which would make the financial statements provided to you materially inaccurate or misleading. To our knowledge there is nothing reflecting unfavorably upon the honesty or integrity of members of our organization. We have accounted for all known or anticipated operating revenue and expense in preparing our funding request.

We agree to provide human-interest stories promoting Pro Bono activities in a timely manner upon request of the Indiana Bar Foundation or Indiana Pro Bono Commission. We further agree to make ourselves available to meet with the Pro Bono Commission and/or the Indiana Bar Foundation to answer any questions or provide any material requested which serves as verification/source documentation for the submitted information.

Explanation of items stricken from the above Letter of Representation:

It is understood that this Letter does not replace the Grant Agreement or other documents required by the Indiana Bar Foundation or Indiana Pro Bono Commission.

Signatures:

Hon. David A. Ault, Judicial Appointee

Date

Hon. David A. Ault, Plan Administrator

Date

2002 REPORT AND 2004 PLAN SUMMARIES

1. In 125 words or less, please write a brief summary of your District's 2002 progress suitable for use in press releases.

The District IV committee focused on recruiting additional volunteer attorneys and increasing the number of cases referred in 2002. In May a well attended three (3) hour CLE program on immigration law, Medicaid planning, and Rule 6.5 was held in Lafayette, with a number of attendees joining the District's pro bono panel.

Indiana Legal Services, Inc. continued to conduct client intake, screen for eligibility, refer prospective clients, provide malpractice insurance coverage for volunteer attorneys, and provide other administrative support. Legal Aid of Tippecanoe County also conducted client intake, screened clients and referred prospective clients. In 2002 32 pro bono clients received assistance.

Montgomery County Legal Aid's twenty-seven members serving on a rotating basis continued to assist low-income persons referred by Indiana Legal Services.

2. In 125 words or less, please write a brief summary of the 2004 grant request suitable for use in press releases related to any grant award. Suggested areas to cover are: needs to be addressed, methods, target audience, and anticipated outcomes.

The Committee has been committed to more effectively meeting the legal needs of the growing low-income Spanish speaking population in the district, and plans to continue to support a part time Spanish speaking paralegal hired in late summer 2003, to do outreach in Spanish speaking communities, assist volunteer attorneys in providing representation, conduct educational presentations, and translate educational materials. The individual will work out of the Indiana Legal Services, Inc. Lafayette office.

Recruitment of volunteer attorneys is a high priority for Committee members, who will continue efforts to recruit new volunteer attorneys, including sponsoring free CLE programs to attorneys joining local county pro bono panels. The Committee's goal is to refer up to two (2) cases to each volunteer attorney in 2004.

2002 REPORT

In the next two pages, describe your District's 2002 achievements and activities in relation to the plan approved for 2002 funding. It is permissible to include a relevant number of appendices to further describe 2002 achievements. Please number and reference the appendices.

District IV's 2002 plan addressed the following five (5) areas:

- 1) Improving access to legal services for Spanish speaking low-income persons.
- 2) Recruitment of additional volunteer attorneys.
- 3) Providing access to legal representation for low-income persons.
- 4) Educating the general public regarding; a) legal rights and responsibilities; b) the current availability of legal assistance to low-income persons; and c) recognizing when legal assistance is needed.
- 5) Assisting Pro Se litigants to effectively represent themselves.

ACHIEVEMENTS AND ACTIVITIES

Improving access to legal representation for Spanish speaking low-income persons

The Committee has been committed to more effectively meeting the legal needs of the growing low-income Spanish speaking population in the district. The 2002 plan included hiring a full-time Spanish speaking paralegal responsible for coordination of Pro Bono activity and supporting the efforts of Committee members throughout the district, including outreach, educational activities and networking with other organizations serving Spanish speaking communities. The paralegal would assist volunteer attorneys in providing representation to Spanish speaking individuals, conduct educational presentations, and translate educational materials. Initially ILSI was very interested in funding one-half of the position and providing attorney supervision for the paralegal. Unfortunately, because of the loss of Legal Services Corporation funding due to the reduction in low-income population in the Indiana 2000 Census, the position could not be filled in 2002. The Committee plans to hire a part-time Spanish speaking paralegal in late Summer 2003 funded entirely by district funds.

Recruitment of additional volunteer attorneys

Committee members continued to work with the Bench and Bar in each county to encourage increased attorney participation. On May 14, 2002, the Committee sponsored a free three (3) hour CLE program on immigration law, Medicaid planning, and Rule 6.5 in Lafayette. The program was well attended and well received. A number of attendees joined the district's pro bono panel.

2002 REPORT, CONTINUED

Providing access to legal representation for low-income persons

The Legal Aid Corporation of Tippecanoe County and ILSI were jointly responsible for interviewing, determining eligibility for prospective clients and making referrals to volunteer attorneys in Tippecanoe County. ILSI was responsible for the counties surrounding Tippecanoe County. In 2002 32 pro bono clients received assistance.

Twenty-seven Montgomery County Legal Aid members, serving on a rotating basis, provided legal advice and representation to significant numbers of low-income residents of Montgomery County.

ILSI provided malpractice insurance coverage for volunteer attorneys and maintained an extraordinary litigation expense fund to assist volunteer attorneys with litigation and out-of-pocket expenses.

Educating the general public

The 2002 plan included scheduling one community education program in each district county coordinated by the Committee member from that county. With Judge Heid's death in January and the work required to coordinate the CLE program in May, it became clear that additional administrative support for Committee members was required to coordinate the community education programs in each county. Without the paralegal position being filled, the community education programs could not be scheduled. Publication of community educational pamphlets, also a component of the 2002 plan, was not completed for the same reason.

Assisting Pro Se litigants to effectively represent themselves

As ILSI interviewed and screened applicants, ILSI identified clients interested in the possibility of representing themselves in litigation. ILSI provided them with complete pro se packets with forms and instructions to assist them in litigating their own case.

<u>2002 VOLUNTEER LAWYER ACTIVITY</u>				
Legal Service Provider Agency or Organization (Include Bar Associations)	Number of Participating Volunteer Lawyers	Number of Volunteer Lawyer Hours Reported on Cases Closed in 2002	Number of Open Volunteer Lawyer Cases	Number of Low-income Citizens Receiving Limited Legal Information from Volunteer Lawyers*
Benton County	5	4.5	2	N/A
Carroll County	7	1.5	1	N/A
Clinton County	5	1.7	2	N/A
Fountain County	3	2.0	1	N/A
Montgomery County	3	0	0	N/A
Newton County	0	0	0	N/A
Tippecanoe County	20	46.6	21	N/A
Warren County	5	7.1	1	N/A
White County	5	2.7	1	N/A
Legal Aid Of Tippecanoe Co.	45	Not Available	3	N/A
Montgomery Co. Legal Aid	27	Data not Available	Available	N/A
TOTALS	53	66.1	32	N/A

*This category includes Volunteer Lawyer public outreach to low income citizens for a one-time, limited contact such as call-in or walk-in information services, pro-se clinics and panel presentations. Please put in parentheses the number of citizens whose income was not determined.

Definitions:

Case: A legal matter referred to a pro bono attorney volunteer

Participating Volunteer Lawyer: An attorney who has rendered pro bono service to at least one low-income client during the year or accepted a pro bono referral from the identified program.

2002 VOLUNTEER LAWYER ACTIVITY, CONTINUED *
--

Please list any volunteer lawyer activity category utilized by the organization receiving Pro Bono funding which was not included in the previous table. Include the definition and 2002 statistics for the category.

In order to make reporting more consistent and concise in the future, please list the various categories used by legal service providers in your district for recording volunteer lawyer activity. Define each category. (If more than one agency or organization has the same category and definition, please list it once, indicating the number of organizations using the category.)

Volunteer Attorney Case: Legal matter referred to volunteer attorney for representation.

Legal Consultation: Legal advice session (phone or in-person) provided by volunteer attorney.

Community Education Presentation: Community legal education presentation provided by volunteer attorney on substantive legal matter of interest to low-income community

Pro Se Consultation: Volunteer attorney meeting with one or more pro se litigants to review pro se forms and explaining what will happen in Court

2002 VOLUNTEER LAWYER ACTIVITY BY TYPE OF CASE

Number Of Lawyers Participating In Pro Se Clinics, Call-In Services And Other Limited Informational Activities in 2002: N/A .

Type Of Case (Primary Issue)	Total Of All District Legal Service Provider Active Cases Assigned To And Accepted By A Volunteer Lawyer.
Consumer/Finance	2
Education	0
Employment	0
Family	28
Guardianship	0
Juvenile	0
Health	0
Housing	2
Immigration/Naturalization	0
Income Maintenance	0
Individual Rights	0
Mediation	0
Wills & Estates	0
Other (specify)	0
Total Number of Cases	32

2004 PLAN AND REQUEST

In the following two pages, describe items or activities planned for 2004 for which funding is requested.

If a special event, such as a pro se clinic, volunteer banquet, or Continuing Legal Education seminar is planned, please include the total projected cost of the event in parenthesis at the end of the descriptive paragraph.

Improving access to legal services for Spanish speaking low-income persons

As mentioned in the 2002 report, the Committee will maintain its commitment to more effectively meet the legal needs of the growing low-income Spanish speaking population in the district. Hiring of a part-time Spanish speaking paralegal has been delayed until late Summer 2003 because of staff reductions at ILSI in January 2003, and the resignation of the ILSI Pro Bono coordinator in April 2003. Linda Barkey, the new Pro Bono coordinator, has added responsibilities as ILSI office manager, and will rely heavily upon the new part-time Spanish speaking paralegal for outreach and educational activities including: contacting and networking with other organizations presently serving the Spanish speaking community, informing them of the availability of legal assistance, working with them and the committee members to organize informational meetings on various legal topics of interest to the Spanish speaking community. The part-time paralegal will also translate pamphlets and handouts and distribute educational pamphlets that have been translated into Spanish, perform intake for Spanish speaking clients, and assist pro bono attorneys in their representation of Spanish speaking clients. This individual will work out of the ILSI Lafayette office and will be supervised by the Pro Bono Coordinator.

Recruitment of additional volunteer attorneys

Recruitment of additional volunteer attorneys continues to be a high priority for the Committee. In 2004, committee members will continue their personal efforts to recruit new volunteer attorneys. Committee members will enlist the aid of their local judges to encourage attorneys to volunteer.

Recognizing that the local bar associations within District IV have bar meetings of varying frequencies, the Committee plans to conduct several types of recruitment CLE programs. In counties having more regular bar meetings, the committee member from that county will schedule a one-half hour program about the district's Pro Bono Program, including the Pro Bono Commission's video about the benefits of doing Pro Bono work, designed to recruit new volunteer attorneys and providing one-half hour of ethics CLE credit. (Four (4) programs at a projected cost of \$200 per program for mailings, materials and facility costs.)

In Counties where bar meetings might be less frequent, the Committee will coordinate a three (3) to four (4) hour CLE program, inviting attorneys from adjoining counties, at a reduced rate for attorneys currently participating in a pro bono panel and free to attorneys joining a pro bono panel.

The program will also include one-half hour of ethics CLE credit. (Two (2) programs at a projected cost of \$600 per program for mailings, materials and facility costs.)

Improving access to legal services for low-income persons

The Committee's goal for 2004 is to refer at least two (2) cases to each volunteer attorney. The Legal Aid Corporation of Tippecanoe County and ILSI will continue to be jointly responsible for interviewing, determining eligibility for prospective clients and making referrals to volunteer attorneys in Tippecanoe County. ILSI will be responsible for the District counties surrounding Tippecanoe County. ILSI will continue to provide malpractice insurance coverage for volunteer attorneys and maintain an extraordinary litigation expense fund to assist volunteer attorneys with litigation and out-of-pocket expenses.

ILSI will also continue to interview, screen and refer low-income residents of Montgomery County to the twenty-seven Montgomery County Legal Aid members, serving on a weekly rotating basis. The Committee will work with Montgomery County Legal Aid leadership to develop a system of measuring the number of cases and hours donated by participating attorneys.

Community Legal Education Presentations

The Committee plans to schedule one community legal education program in each district county. The goal of each program will be to educate the general public regarding legal rights and responsibilities, recognizing when legal representation is needed, and the current availability of legal assistance to low-income persons through the pro bono panels. The committee member in each county, with the assistance of the part-time paralegal, will be responsible for coordinating local resources to plan, publicize and conduct the program. (Projected costs of \$200 for each of eight (8) programs for publicity, materials and facility.)

Assisting Pro Se litigants to effectively represent themselves

Committee members in each district county will seek and encourage the cooperation and support of local courts in increasing the effectiveness of pro se representation in each county. Committee members will be available to coordinate with the courts the availability of pro se materials currently available through the Indiana State Pro Se Project. As ILSI interviews and screens applicants for legal assistance, ILSI will provide pro se packets in appropriate situations.

2004 PRO BONO DISTRICT ACTIVITIES

Please check the activities, which your district organization will provide during 2004 to support the pro bono efforts of the attorneys in your district. If the activity is provided by another organization in your district, please put a plus sign (+) in the blank following the activity.

- ☒ Providing intake and screening of prospective clients ±
- ☒ Providing referral of prospective clients ±
- ☒ Matching cases with individual attorney experience ±
- ☐ Establishing and/or maintaining specialized panels of volunteer lawyers based on area of practice emphasis _____
- ☒ Providing resources for litigation and out-of-pocket expenses _____
- ☒ Providing legal education and training for pro bono attorneys in areas of practice emphasis useful in providing pro bono civil legal service _____
- ☐ Providing the availability of consultation with attorneys whose practice concentration is in an area of law about which a volunteer lawyer is providing pro bono civil legal service (mentoring) _____
- ☒ Providing malpractice insurance for volunteer pro bono lawyers ±
- ☒ Establishing and/or maintaining procedures to ensure adequate monitoring and follow-up _____
- ☐ Establishing and/or maintaining procedures to measure client satisfaction _____
- ☒ Recognizing pro bono civil legal service by lawyers _____
- ☒ Providing community outreach, legal education services or programs _____
- ☐ Other _____
- ☐ Other _____

2004 PRO BONO DISTRICT ACTIVITIES, continued

1. List the joint efforts, activities or programs in which your district organization will be involved. Please include the name of the other organization(s), a brief description of the activity and a description of the resources provided to the effort by all participating organizations.

The Legal Aid Corporation of Tippecanoe County represents low-income residents of Tippecanoe County in such matters as divorces, custody/visitation issues, CHINS, Private Landlord-Tenant (eviction defense) and consumer matters. Legal Aid plays a significant role in recruiting volunteer attorneys in Tippecanoe County, is an active member of the District Committee, and screens and refers clients to volunteer attorneys.

Montgomery County Legal Aid is sponsored by the Montgomery County Bar Association. Presently there are 27 attorneys on the Legal Aid panel. Each attorney takes pro bono referrals for a week on a rotating basis, meeting with clients in the attorney's individual office. Referral from ILSI is generally required.

2. Number of cases in your district awaiting assignment to a Volunteer Pro Bono Attorney as of the date this report is prepared: 0

3. Percentage estimate of the types of cases awaiting assignment:

N/A

4. List the efforts that will be made to recruit new pro bono volunteer lawyers:

Recruitment of additional volunteer attorneys continues to be a high priority for the Committee. In 2004, committee members will continue their personal efforts to recruit new volunteer attorneys, and committee members will enlist the aid of their local judges to encourage attorneys to volunteer.

Recognizing that the local bar associations within District IV have bar meetings of varying frequencies, the Committee plans to conduct several types of recruitment CLE programs. In counties having more regular bar meetings, the committee member from that county will schedule a one-half hour program about the district's Pro Bono Program, including the Pro Bono Commission's video about the benefits of doing Pro Bono work, designed to recruit new volunteer attorneys and providing one-half hour of ethics CLE credit.

In Counties where bar meetings might be less frequent, the Committee will coordinate a three (3) to four (4) hour CLE program, inviting attorneys from adjoining counties, at a reduced rate for attorneys currently participating in a pro bono panel and free to attorneys joining a pro bono panel. The program will also include one-half hour of ethics CLE credit.

2004 DISTRICT BUDGET FORM

COST CATEGORY	IOLTA \$	OTHER \$	DONATED	TOTAL	2003 Revised & Estimated
A. Personnel Costs					
1. Plan Administrator					
2. Lawyers					
3. Paralegals (half-time)	13,500			13,500	4,500
4. Others					
5. Salary Subtotal	13,500			13,500	4,500
6. Employee Benefits	<u>4,560</u>			<u>4,560</u>	<u>1,520</u>
7. Total Personnel Costs	18,060			18,060	6,020
B. Non Personnel					
1. Occupancy	2,200			2,200	750
2. Equipment Rental	200			200	200
3. Office Supplies	400			400	400
4. Telephone	600			600	600
5. Travel	2,000			2,000	650
6. Training (CEP)	400			400	200
7. Library					
8. Malpractice Insurance	250			250	250
9. Dues and Fees					
10. Audit					
11. Contingent Reserve Fund for Operating Expenses	3,000			3,000	1,500
12. Marketing and Promotion	400			400	400
13. Litigation (Includes Expert Fees)	1,000			1,000	1,000
14. Property Acquisition					
15. Educational Pamphlets	2,000			2,000	2,000
16. Contract Services to Clients					
17. Contract Services to Program					
18. CLE & Community Ed	<u>3,600</u>			<u>3,600</u>	_____
19. Total Non Personnel Costs	16,050			16,050	7,950
C. Total Expenditures	34,110			34,110	13,970
1. Total Program Disbursements	34,110			34,110	13,970
2. Litigation Fund *	2,000			2,000	1,000

*Reserves in this category are not required to be resubmitted to the IBF if not spent during the allocation calendar year.,

ANNUAL TIMETABLE FOR SUBMISSION OF FORMS AND CHECKS:

January 1:	Checks distributed
July 1:	Annual report, plan and grant application due to IPBC
November:	Notification of awards
December 1:	IBF grant agreement due and revised budget due (as needed)